

*Draft Public Notice Version June, 2014. The findings, determinations and assertions contained in the document are not final and subject to change following the public comment period.*

STATE OF UTAH  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF WATER QUALITY (DWQ)  
WATER QUALITY BOARD  
P.O. BOX 144870  
SALT LAKE CITY, UTAH 84114-4870

**Ground Water Discharge Permit  
Permit No. UGW010015**

In compliance with the provisions of the Utah Water Quality Act, Title 19, Chapter 5, Utah Code Annotated 1953, as amended, the Act,

Utah Alunite Corporation (UAC)  
**170 South Main, Suite 500  
Salt Lake City, Utah 84101**

hereafter referred to as the Permittee, is granted a Ground Water Discharge Permit for a tailings disposal area and associated impoundments located in Beaver County, Utah approximately 28 miles west-southwest of Milford. The alunite mine, processing facilities and tailings area are located on the following tracts of land (Salt Lake Base and Meridian):

Sections 1, 2, 7, 11 and 12, and portions of Sections 16, 21, 22, 26, 27 and 35, Township 28 South, Range 15 West;

Sections 13-15, 21-29, 32-35 and portions of Sections 16 and 36, Township 29 South, Range 15 West;

Portions of Section 2, Township 30 South, Range 15 West.

This permit is based on representation made by the Permittee and other information contained in the administrative record. It is the responsibility of the Permittee to read and understand all provisions of this permit.

The facility shall be constructed and operated in accordance with conditions set forth in the permit and the Utah Administrative Rules for Ground Water Quality Protection (UAC R317-6).

This permit shall become effective on \_\_\_\_\_, 2014.

This permit and authorization to operate shall expire at midnight \_\_\_\_\_, 2019.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2014.

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Walter L. Baker, P.E.  
Director

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## I. SPECIFIC CONDITIONS

### A. GROUND WATER CLASSIFICATION

Based on ground water quality data submitted in the permit application, ground water at the Tailings disposal area site is probably Class II Drinking Water Quality Ground Water. A formal definition of ground water class will be made following construction and sampling of monitor wells as required in Part I.H of this permit.

### B. BACKGROUND GROUND WATER QUALITY

Table 1 provides average background ground water quality data based on four sampling events from two monitor wells drilled by UAC as part of the investigation to apply for this permit. MW-3 is located within the footprint of the future tailings area in the SW ¼ of the NW ¼ of Section 13, T. 29 S., R. 15 W., SLBM. This well will be abandoned and buried by tailings during operation of the mine. MW-9 is located in the SE ¼ of the NE ¼ of Section 22, T. 29 S., R. 15 W., and is down-gradient from many of the planned mine pits and production facilities. It will be a compliance monitoring point under this permit. Additional wells will be drilled down-gradient from the tailings area and associated impoundments as a condition of this permit. Well-specific background ground water quality data for compliance monitoring wells will be established after completion of the accelerated background monitoring program in accordance with Part I.H of this permit.

**Table 1: Background Ground Water Quality**

Parameter (mg/l)	MW-3	MW-9
pH (units)	7.42	7.0
Bicarbonate (HCO <sub>3</sub> )	228	202
Alkalinity (as CaCO <sub>3</sub> )	187	166
Chloride	187	603
Fluoride	0.45	0.5
Sulfate	384	1230
Nitrate as N	ND	ND
Arsenic	0.0022	0.0045
Calcium	176	577
Copper	0.068	0.0025
Magnesium	54.5	121
Manganese	0.39	0.3480
Potassium	4.52	5.8
Sodium	94.8	118
Zinc	<0.03	nd
Total dissolved solids	1033	2727

All units mg/L, ND-Non detect

### C. GROUND WATER PROTECTION LEVELS

Table 2 provides interim ground water protection levels for water used to transport the tailings that is stored in the collection and settlement impoundments, and also for well MW-9. Upon completion of the monitor well network and accelerated background sampling, protection levels will be established for each down gradient monitor well and for the tailings water, in accordance with Part I.H of this permit.

**Table 2: Interim Ground Water Protection Levels**

Parameter	Tailings Water	MW-9
pH (units)	6.5-8.5 <sup>(a)</sup>	6.5-8.5 <sup>(a)</sup>
Sulfate (mg/l)	480 <sup>(b)</sup>	1538 <sup>(b)</sup>
Total Dissolved Solids (mg/l)	1291 <sup>(b)</sup>	3409 <sup>(b)</sup>

(a) Equals Ground Water Quality Standard

(b) Equals 1.25 x Background

**D. BEST AVAILABLE TECHNOLOGY (BAT) STANDARD**

Best Available Technology is based upon data submitted by UAC showing that the quality of the water used for tailings transport is compatible with the receiving ground water, and that the geological materials underlying the tailings disposal site are of relatively low permeability. Containment of the tailings water will also be enhanced because the dams that impound the collection and settling ponds will have clay cores of low permeability, keyed into the underlying bedrock. Under these conditions BAT can be defined as is discharge to the naturally lined, low permeability tailings disposal area with the tailings water draining to similarly lined collection and settlement ponds. Permit conditions were developed to monitor the discharge quality and quality of the receiving ground water to insure they are compatible and that the ground water beneath the site is protected from any potential discharge.

Construction of the dams that impound the collection pond and settling pond will be regulated by the Utah Division of Water Rights, Dam Safety Section.

**E. COMPLIANCE MONITORING REQUIREMENTS**

**1. Ground Water Monitoring**

- a. Ground Water Quality Sampling and Analysis Quality Assurance Project Plan - All water quality monitoring shall be conducted in accordance with the general requirements, hereunder, and the specific requirements of the Ground Water Sampling and Analysis Plan approved by the Director.
- b. Compliance Wells – Monitoring wells installed hydraulically down-gradient of the tailings area and associated impoundments, and existing monitor well MW-9, will serve as ground water compliance monitoring points.
- c. Protection of Monitoring Wells - All compliance monitoring wells must be protected from damage due to surface vehicular traffic or contamination due to surface spills. All compliance monitoring wells shall be maintained in full operational condition for the life of this permit. Any compliance monitoring well that becomes damaged beyond repair or is rendered unusable for any reason will be replaced by the permittee within 90 days or as directed by the Director.

**2. Quarterly Compliance Monitoring**

- a. Water Level Measurements – water level measurements shall be made in each monitoring well prior to any well purging or collection of ground water samples. These measurements will be made from a surveyed permanent reference point clearly demarcated on the top of the well or surface casing. Water level measurements will be made to the nearest 0.01 foot.

- b. Ground Water Quality Samples - grab samples of ground water from compliance monitoring wells will be collected for laboratory analysis on a quarterly basis.
    - (1) Analysis by Certified Laboratories - analysis of all ground water samples shall be performed by laboratories certified by the Utah State Health Laboratory.
    - (2) Ground Water Analytical Methods - methods used to analyze ground water samples must comply with the following:
      - (a) Methods cited in UAC R317-6-6.3L, and
      - (b) Method detection limits are less than Ground Water Protection Levels in Part I.C.
    - (3) Analysis Parameters - the following analyses will be conducted on all ground water samples collected:
      - (a) Field Parameters - pH, temperature, and specific conductance.
      - (b) Laboratory Parameters – including:
        - Major ions- calcium, magnesium, potassium, sodium, chloride, sulfate and alkalinity.
        - Inorganic contaminants- nitrate + nitrite, fluoride, boron.
        - Metals from Table 1 of UAC R317-6, including asbestos.
3. Source Monitoring
    - a. Quarterly Sampling- the collection pond shall be sampled quarterly and analyzed for the parameters listed in Part I.E.2(b)(3), above.
    - b. Weekly measurements- the collection pond shall be measured weekly for pH, electrical conductivity and temperature. Records of these measurements shall be kept by UAC and made available to DWQ personnel upon request.

#### F. NON-COMPLIANCE STATUS

1. Probable Out-of-Compliance Status - The permittee shall evaluate results of each ground water sampling event to determine any exceedence of the Ground Water Protection Levels found in Part I.C above. Upon determination that a Ground Water Protection Level has been exceeded at any down-gradient compliance monitoring well or in the collection pond, the permittee shall:
  - a. Immediately re-sample the monitoring point(s) found to be in probable out-of-compliance status for laboratory analysis of the exceeded protection level parameter(s). Notify DWQ of the probable out-of-compliance status within one business day by telephone and within five business days in writing. Submit the analytical results from the original sampling event and the re-sampling within 30 days of the initial detection.

- b. Upon exceedance of any one parameter listed in Part I.C for two consecutive sampling events, immediately implement an accelerated schedule of monthly sampling and analysis, consistent with the requirements of this permit. This monthly sampling will continue for at least two months or until the compliance status can be determined by DWQ. Reports of the results of this sampling will be submitted to DWQ as soon as they are available, but not later than 30 days from each date of sampling.
2. Out-of-Compliance Status Based on Confirmed Exceedance of Permit Ground Water Protection Levels
    - a. Out of Compliance Status shall be defined as follows:
      - (1) For parameters that are detectable in the background and for which protection levels have been established, out-of-compliance shall be defined as two consecutive samples exceeding the protection level.
      - (2) If, in the future, if protection levels are established for parameters that have background data sets between 50-85% non-detectable analyses, out-of-compliance shall be defined as two consecutive samples from a compliance monitoring point exceeding the established protection level.
      - (3) If, in the future, protection levels are established for parameters that have been non-detectable in the background, which would have protection levels defined as 0.25 times the ground water quality standard for Class II ground water, out-of-compliance shall be defined as two consecutive samples from a compliance monitoring point exceeding the established protection level.
    - b. Notification and Accelerated Monitoring - upon determination by the permittee or the Director, in accordance with UAC R317-6-6.17, that an out-of-compliance status exists, the permittee shall:
      - (1) Verbally notify DWQ of the out-of-compliance status or acknowledge a notice from DWQ that such a status exists within 24 hours of receipt of data, and
      - (2) Provide written notice within 5 days of the determination, and
      - (3) Continue an accelerated schedule of monthly ground water monitoring for at least two months and continue monthly monitoring until the facility is brought into compliance as determined by DWQ.
    - c. Source and Contamination Assessment Study Plan - within 30 days after the written notice to the Director required in Part I.F. 2.b.2, above, the permittee shall submit an assessment study plan and compliance schedule for:
      - (1) Assessment of the source or cause of the contamination, and determination of steps necessary to correct the source.
      - (2) Assessment of the extent of the ground water contamination and any potential dispersion.

- (3) Evaluation of potential remedial actions to restore and maintain ground water quality, and ensure that the ground water standards will not be exceeded at the compliance monitoring wells.
3. Out-of-Compliance Status Based Upon Source Monitoring – UAC shall define the relationship of electrical conductivity as measured in the collection pond to the TDS content of the pond water. If weekly measurement of electrical conductivity or pH indicates that the pond water may exceed permit protection levels in Table 2, UAC shall immediately sample the pond water and analyze it for the parameters listed in Part I.E.2(b)(3). In the event that sampling following weekly measurements and quarterly monitoring indicates that collection pond exceeds the Table 2 protection levels for any one parameter for greater than three weeks, UAC shall submit to the Director a notification and description of the violation in accordance with Part II.I of this permit, and begin activities to bring the water used for tailings transport below permit protection levels.

G. REPORTING REQUIREMENTS

1. Quarterly Ground Water and Source Monitoring- monitoring required in Part I.E.2 above shall be reported according to the schedule in Table 3 below, unless modified by the Director:

**Table 3: Quarterly Compliance Monitoring Report Schedule**

Quarter	Report Due Date
1 <sup>st</sup> (January, February, March)	April 30 <sup>th</sup>
2 <sup>nd</sup> (April, May, June)	July 31 <sup>st</sup>
3 <sup>rd</sup> (July, August, September)	October 31 <sup>st</sup>
4 <sup>th</sup> (October, November, December)	January 31 <sup>st</sup>

2. Water Level Measurements- water level measurements from ground water monitoring wells will be reported as measured depth to ground water from the surveyed casing measuring point, and ground water elevations as converted by casing measuring point elevations.
3. Ground Water and Source Water Quality Sampling
  - a. Field Data Sheets - or copies thereof, including the field measurements, required in Part I.E.2 .b.3 above, and other pertinent field data, such as: well name/number or name of monitoring point, date and time, names of sampling crew, type of sampling pump or bail, volume of water purged before sampling.
  - b. Laboratory Analytical Results - including date sampled, date received; and the results of analysis for each parameter, including: value or concentration, units of measurement, reporting limit (minimum detection limit for the examination), analytical method, and the date of the analysis.
4. Weekly Source Monitoring- records will be kept of dates and times of weekly source monitoring events and readings from those events. Records shall be made available for inspection by DWQ upon request.

5. Electronic Filing Requirements - In addition to submittal of the hard copy data, above, the permittee will electronically submit the required ground water monitoring data in Excel spreadsheet format. The data may be submitted by e-mail, compact disc, or other approved transmittal mechanism.
6. Monitoring Well As-Built Report - For each well constructed the permittee shall submit diagrams and descriptions of the final completion of the monitoring wells. The report is due within 60 days of the date of well completion. The report shall include:
  - a. Casing: depth, diameter, and type of material.
  - b. Screen: length, depth interval, diameter, material type, slot size.
  - c. Sand Pack: depth interval, material type and grain size.
  - d. Annular Seals: depth interval, material type.
  - e. Surface Casing and Cap: depth, diameter, material type, protection measures constructed.
  - f. Elevation and Location: ground surface elevation, elevation of water level measuring point, latitude and longitude in hours, minutes and seconds.
  - g. Well construction description, well completion description, results of well pump tests or slug tests.

#### H. COMPLIANCE SCHEDULE

1. Accelerated Background Monitoring Program – The permittee shall conduct an accelerated ground water monitoring program to establish ground water protection levels for compliance monitoring wells. Ground water quality samples will be collected and analyzed for all compliance monitoring wells in accordance with the following requirements:
  - a. At least eight independent grab samples will be collected over a one-year period from each well according to the requirements of Part I.E.2 above and the Sampling and Analysis Quality Assurance Project Plan. Samples already taken from existing wells may be counted towards the eight background samples
  - b. Within 60 days after analytical data from the eight accelerated background sample events have been received by UAC, the permittee will submit an Accelerated Background Monitoring Report with all field data sheets, laboratory analytical reports, and an Excel spreadsheet containing the following information for each compliance monitoring well and surface water sampling point:
    - (1) Field pH and the results of laboratory analysis for all parameters required in Part I.E. 2
    - (2) Laboratory non-detects shall be entered as (detection limit x 0.5) and flagged in the spreadsheet
    - (3) Ground water standard from Table 1 of UAC R317-6, where applicable

After review and approval of the Accelerated Background Monitoring Report, DWQ will establish protection levels for each compliance monitoring well and surface water monitoring point in accordance with R317-6-4 of the Ground Water Quality Protection Rules, for parameters determined to be useful for determining whether the tailings water is compatible with the receiving ground water.

- c. After DWQ has re-opened the permit and established well-specific ground water protection levels, sampling will be relaxed to the quarterly compliance monitoring frequency in Part I.E.2 above.
2. Subsurface Investigation of Tailings Area and Associated Impoundments. At least sixty days before any tailings or water used to transport them are released into the tailings impoundment, UAC shall submit a report on the geologic materials underlying these facilities, their hydraulic conductivity and its variability across the site to DWQ for review and approval. If significant areas of high hydraulic conductivity are discovered, additional requirements for Best Available Technology and/or monitoring may be imposed for those areas.
3. Monitoring Well Network. Within 60 days of permit issuance UAC shall propose a monitoring well network for the tailings area and associated impoundments for approval by DWQ. Under the plan, a sufficient number of monitor wells shall be installed down gradient of the tailings disposal area, the collection pond and settlement pond to:
  - Determine the depth to the uppermost aquifer, as defined in UAC R317-6-1, immediately down gradient of the permitted facilities.
  - Define the geologic structure, stratigraphy and likely ground water flow paths in the bedrock immediately down gradient of these facilities.
  - Provide the capacity to monitor changes in ground water elevation in the uppermost aquifer and to take samples from it.
  - Provide for the capacity to evaluate whether seepage from the permitted facilities or ground water mounding are occurring along the entire down gradient extent of the tailings disposal area and the collection and settlement ponds.

The plan shall be implemented upon DWQ approval.

4. Water Quality Sampling and Analysis Plan. UAC shall submit a Water Quality Sampling and Analysis Plan for DWQ approval within thirty days of permit issuance. The plan shall list procedures for field measurement of electrical conductivity and pH, obtaining ground and surface water samples, sample preservation and transport; analytical methods to be used and method detection limits, and quality assurance/quality control procedures. Analytical methods listed in the plan may only be changed with DWQ approval. Detection limits for analytical methods used must be equal to or lower than permit protection levels. Upon DWQ approval, the plan will be incorporated as an enforceable appendix to this permit.
5. Final Conceptual Closure Plan and Duty to Reapply. The permittee shall submit a final conceptual closure plan at least 180 days prior to the expiration date of this permit. The plan shall be protective of ground water quality after facility closure, incorporating knowledge gained on waste characteristics and site hydrogeology during the term of this permit. Also to be submitted at this time will be a reapplication for the ground water discharge permit which will include an updated operational plan describing the proposed operational and closure activities to occur in the next five-year term of the permit. The permittee shall resubmit the plan with 60 days of receipt of notice from the Director and correct any deficiencies noted in the agency review.

## **II. MONITORING, RECORDING AND REPORTING REQUIREMENTS**

### **A. REPRESENTATIVE SAMPLING**

Samples taken in compliance with the monitoring requirements established under Part I shall be representative of the monitored activity.

### **B. ANALYTICAL PROCEDURES**

Water sample analysis must be conducted according to test procedures specified under UAC R317-6-6.3.L, unless other test procedures have been specified in this permit.

### **C. PENALTIES FOR TAMPERING**

The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

### **D. REPORTING OF MONITORING RESULTS**

Monitoring results obtained during each reporting period specified in the permit, shall be submitted to the Director, Utah Division of Water Quality at the following address no later than the 15th day of the month following the completed reporting period:

Attention: Ground Water Protection Section  
State of Utah  
Division of Water Quality  
P.O. Box 144870  
Salt Lake City, Utah 84114-4870

### **E. COMPLIANCE SCHEDULES**

Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any Compliance Schedule of this permit shall be submitted no later than 14 days following each schedule date.

### **F. ADDITIONAL MONITORING BY THE PERMITTEE**

If the permittee monitors any pollutant more frequently than required by this permit, using approved test procedures as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted. Such increased frequency shall also be indicated.

### **G. RECORDS CONTENTS**

Records of monitoring information shall include:

1. The date, exact place, and time of sampling or measurements;
2. The individual(s) who performed the sampling or measurements;
3. The date(s) and time(s) analyses were performed;
4. The individual(s) who performed the analyses;
5. The analytical techniques or methods used; and,
6. The results of such analyses.

H. RETENTION OF RECORDS

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

I. TWENTY-FOUR HOUR NOTICE OF NONCOMPLIANCE REPORTING

1. The permittee shall verbally report any noncompliance which may endanger public health or the environment as soon as possible, but no later than 24 hours from the time the permittee first became aware of the circumstances. The report shall be made to the Utah Department of Environmental Quality 24 hour number, (801) 536-4123, or to the Division of Water Quality, Ground Water Protection Section at (801) 536-4300, during normal business hours (Monday through Friday 8:00 am - 5:00 pm Mountain Time).
2. A written submission shall also be provided to the Director within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
  - a. A description of the noncompliance and its cause;
  - b. The period of noncompliance, including exact dates and times;
  - c. The estimated time noncompliance is expected to continue if it has not been corrected; and,
  - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
3. Reports shall be submitted to the addresses in Part II.D, Reporting of Monitoring Results.

J. OTHER NONCOMPLIANCE REPORTING

Instances of noncompliance not required to be reported within 24 hours, shall be reported at the time that monitoring reports for Part II.D are submitted.

K. INSPECTION AND ENTRY

The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and,
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

### **III. COMPLIANCE RESPONSIBILITIES**

A. DUTY TO COMPLY

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

B. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS

The Act provides that any person who violates a permit condition implementing provisions of the Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions is subject to a fine not exceeding \$25,000 per day of violation. Any person convicted under Section 19-5-115(2) of the Act a second time shall be punished by a fine not exceeding \$50,000 per day. Nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

C. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. DUTY TO MITIGATE

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. PROPER OPERATION AND MAINTENANCE

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

#### **IV. GENERAL REQUIREMENTS**

A. PLANNED CHANGES

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required when the alteration or addition could significantly change the nature of the facility or increase the quantity of pollutants discharged.

B. ANTICIPATED NONCOMPLIANCE

The permittee shall give advance notice of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

C. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

D. DUTY TO REAPPLY

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a permit renewal or extension. The application should be submitted at least 180 days before the expiration date of this permit.

E. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

F. OTHER INFORMATION

When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.

G. SIGNATORY REQUIREMENTS

All applications, reports or information submitted to the Director shall be signed and certified.

1. All permit applications shall be signed as follows:
  - a. For a corporation: by a responsible corporate officer;
  - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
  - c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that

person. A person is a duly authorized representative only if:

- a. The authorization is made in writing by a person described above and submitted to the Director, and,
  - b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
3. Changes to Authorization. If an authorization under Part IV.G.2 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part IV.G.2 must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
  4. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

H. PENALTIES FOR FALSIFICATION OF REPORTS

The Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

I. AVAILABILITY OF REPORTS

Except for data determined to be confidential by the permittee, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Director. As required by the Act, permit applications, permits, effluent data, and ground water quality data shall not be considered confidential.

J. PROPERTY RIGHTS

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

K. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

L. TRANSFERS

This permit may be automatically transferred to a new permittee if:

1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;
2. The notice includes a written agreement between the existing and new permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them; and,
3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.

M. STATE LAWS

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, penalties established pursuant to any applicable state law or regulation under authority preserved by Section 19-5-117 of the Act.

N. REOPENER PROVISION

This permit may be reopened and modified (following proper administrative procedures) to include the appropriate limitations and compliance schedule, if necessary, if one or more of the following events occurs:

1. If new ground water standards are adopted by the Board, the permit may be reopened and modified to extend the terms of the permit or to include pollutants covered by new standards. The permittee may apply for a variance under the conditions outlined in R317-6-6.4.D.
2. If alternative compliance mechanisms are required.
3. If subsequent ground water monitoring data reveals the background water quality values in Part I Table 1 are not accurate.